

REMARKS

This Reply is responsive to the Office Action of July 7, 2009. In view of the foregoing amendments and following remarks, reconsideration is requested.

After entry of the foregoing amendments, claims 1, 9, 11-12, 14 and 25-38 remain in this application, of which claims 1, 9, 12 and 25 are independent. No fee is due for claims for this amendment.

Allowable Subject Matter

Dependent claims 31-38 were indicated as being allowable if rewritten in independent form. In view of other amendments made to the independent claims, these claims have not yet been rewritten in independent form.

Interview Summary

On October 1, 2009, a brief telephonic interview with the Examiner, and Oliver Strimpel and Peter Gordon, was held to discuss the rejection under 35 U.S.C. § 112, 1st paragraph. In that interview, it was agreed that the § 112, 1st paragraph, rejection would be overcome by amending the claim to recite “tracks” instead of “corresponding media type” in view of page 6 of the specification. The Examiner indicated, however, that such an amendment would not overcome the 103 rejection.

Rejection under 35 U.S.C. § 112, 1st paragraph

In accordance with the understanding gained from the telephonic interview with the Examiner, the independent claims have been amended to change the “corresponding media type” to “tracks” as the specification on page 6 indicates that frames are assigned to tracks. Accordingly, the rejection under 35 U.S.C. § 112, 1st paragraph is overcome.

Rejections of Claims 1-6, 9, 12, 25 and 27 Under 35 U.S.C. §103

Claims 1, 9, 12, 25 and 27, of which claims 1, 9, 12 and 25 are independent, were rejected under 35 U.S.C. §103 in view of Escobar¹ and Wittenberg². This rejection is respectfully traversed.

All of the independent claims have been amended to recite “presenting to the user to select, for each portion of the display area, a corresponding media type the tracks available for the portion of the display area, and receiving from the user an indication of a track selected by the user for each portion of the display area.” See at least Fig. 6, page 6, last paragraph and page 8, middle paragraphs, for support for these limitations.

The Final Office Action relies on Wittenberg for describing spatial relationships that can be modified by the user, and relies on claim 18 of Wittenberg for this. However, even if Wittenberg is being properly understood in the manner set forth in the Final Office Action, Wittenberg fails to describe a. presenting to the user, for each portion of the display area, the tracks available for the portion of the display area, and b. receiving from the user an indication of a track selected by the user for each portion of the display area, as recited in the amended claims.

Accordingly, the independent claims are not described by Escobar and Wittenberg, whether alone or in combination, and are therefore not rendered obvious by these references. Thus, the rejection of the independent claims 1, 9, 12 and 25 under 35 U.S.C. §103 in view of Escobar and Wittenberg should be withdrawn.

The remaining claims are dependent claims. Therefore, the rejection of these claims also should be withdrawn for at least the reasons discussed above.

Rejection of Claims 11, 14, 26 and 28-30 Under 35 U.S.C. §103

The remaining dependent claims 11, 14, 26 and 28-30 were rejected under 35 U.S.C. §103 in view of Escobar, Wittenberg and Gill³. The arguments from Applicant’s prior Reply filed September 12, 2007, of which the substance was not addressed in the most recent Office Action, are hereby incorporated by reference. As these claims are dependent claims, the

¹ U.S. Patent 5,659,793 to Escobar *et al.*

² U.S. Patent 6,515,656 to Wittenberg *et al.*

³ U.S. Patent 6,081,262 to Gill *et al.*

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rejection should be withdrawn for at least the same reasons for withdrawing the rejections of the independent claims.

CONCLUSION

In view of the foregoing remarks, outstanding rejections should be withdrawn. If the Examiner believes, after this Reply, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any fee to **Deposit Account No. 50-0876**.

Respectfully submitted,

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